



Deposition of:
Chief Mario Lugo

November 10, 2021

In the Matter of:

**Miller, Regan v. City of Manassas Park,
et al**

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

REGAN MILLER :
: :
Plaintiff : :
: Case Number:
vs. : :
: :
: 1:21-cv-00456
CITY OF MANASSAS PARK, :
et al. :
: :
Defendants :

10 DEPOSITION OF CHIEF MARIO LUGO
11 DATE: November 10, 2021
12 TIME: 11:56 a.m. to 2:35 p.m.
13 LOCATION: Berenzweig Leonard
14 8300 Greensboro Drive
Suite 1250
McLean, Virginia 22102

15 REPORTED BY: Felicia A. Newland, CSR
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Veritext Legal Solutions
1250 I Street, N.W., Suite 350
Washington, D.C. 20005

1 it's related to that.

2 Q I guess for simplicity today, we'll
3 just refer to that as the IA investigation.

4 A Yes, sir.

5 Q What is your current occupation?

6 A The chief of police with the City of
7 Manassas Park Police Department.

8 Q And are you currently certified as a
9 law enforcement officer in the Commonwealth of
10 Virginia?

11 A Yes, sir.

12 Q And how long have you been certified
13 as a law enforcement officer?

14 A Over 22 years.

15 Q And Manassas Park is your current
16 employer?

17 A Yes, sir.

18 Q How long have you worked for Manassas
19 Park?

20 A Going on 21 years.

21 Q Have you worked for any other law
22 enforcement agencies prior to your work with

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A It used to be located in the Manassas Park Shopping Center.

3 Q Okay. Are you familiar with the LInX
4 system?

5 A I know -- yes.

6 O Do you have access to LInX?

7 A Not anymore.

8 Q Approximately when did your access --
9 did it expire?

10 A Yes, I just -- lack of using it, I
11 just let it go. I never used it.

12 Q Is that like going inactive? Is that
13 what --

14 A Yeah, pretty much. And I couldn't
15 even tell you what the log-in is at this point

16 Q Approximately when did you go
17 inactive?

18 A I don't even remember sir

19 Q I guess, estimating, would it have
20 been several years ago?

21 A More than that yeah

Q And when did you become the chief of

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1 police at Manassas Park?

2 A April of 2019. I believe it's the
3 24th.

4 Q Do you recall if you've accessed LInX
5 since becoming the chief of police?

6 A I have not.

7 Q Do you recall personally directing
8 anyone to conduct a LInX audit between March 28,
9 2019 and August 29th of 2019?

10 A No.

11 Q Have you personally communicated with
12 anybody at LInX, and that includes Catherine
13 Miller, since March 28, 2019?

14 A No.

15 Q You're familiar with Regan Miller,
16 correct?

17 A Yes, sir.

18 Q You previously worked with him at
19 Manassas Park?

20 A Yes.

21 Q When were you first made aware that
22 Regan Miller had made LInX searches related to

Page 13

1 Victoria Foster?

2 A When we were investigating a
3 different matter.

4 Q And which matter was that?

5 A The one where he didn't provide
6 information that could have led to the arrest of an
7 individual that stole some firearms and a vehicle
8 from the victim in the City of Manassas Park.

9 Q And what was your role in that
10 investigation?

11 A I was just informed.

12 Q Is it fair to call that other
13 incident a property crime?

14 A What do you mean by "property crime"?

15 Q You said that it was a -- the stolen
16 firearms, correct?

17 A Yeah, a vehicle and a stolen firearm,
18 yes. I guess it would be considered a property
19 crime.

20 Q It did not relate in any way to a
21 homicide, correct?

22 A No, sir.

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1 MS. BARDOT: Object to form.

2 THE WITNESS: No, she did not
3 investigate it. She just reported that this --
4 that some of the information was provided -- was
5 not provided to the investigating officer on the
6 property crime.

7 BY MR. SMITH:

8 Q And how were -- these searches with
9 Victoria Foster, how did they come up in that
10 investigation of that property crime?

11 A I believe Major Reinhart did a query
12 to see what he had searched that day for that other
13 crime and noticed that there was a homicide
14 justification code entered into LInX.

15 Q And so it was Major Reinhart that
16 notified you of the Victoria Foster searches?

17 A Yes.

18 Q How did he notify you about this?
19 Was it via e-mail?

20 A I don't believe so. It might have
21 been in person.

22 Q So after learning about that, did you

Page 16

1 instruct Major Reinhart to conduct further
2 investigation?

3 A Yes, sir.

4 Q What were your specific instructions?

5 A Look into it, investigate it, see why
6 he ran a homicide when we haven't had one in a few
7 years. And also look into the first matter, which
8 was the property crime.

9 Q Can you explain a little bit more
10 about the property crime?

11 Was the allegation that Regan Miller
12 didn't give suspect information?

13 A Yes. Regan Miller was provided
14 information that could have led to the arrest of
15 the individuals who committed the crime in the City
16 of Manassas Park. Did not provide that information
17 to, I believe it was, Sergeant Bussell, which in
18 turn put other officers in danger, because I guess
19 Fairfax County was able to locate them in a car
20 with the stolen vehicle with the stolen firearms.

21 Q Do you recall approximately how long
22 after that suspect was arrested?

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1 A I do not, sir.

2 Q But the -- I guess your notice of --
3 your notice from Major Reinhart about these
4 searches would have taken place after that arrest
5 occurred?

6 A I don't know if it was before or
7 after.

8 Q Is it fair to say you wouldn't have
9 been able to ascertain the identity of that person
10 who was arrested -- actually, strike that.

11 Did you conduct any independent
12 investigation of those allegations related to both
13 the property crime and the Victoria Foster
14 searches?

15 MS. BARDOT: Object to form.

16 | THE WITNESS: No.

17 BY MR. SMITH:

18 Q Did you ever personally speak with
19 Regan Miller about any of those allegations?

20 MS. BARDOT: Object to form.

21 THE WITNESS: No.

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1 A Yes.

2 Q So concurrent to formally initiating
3 an IA investigation, do you assign somebody to
4 serve as the IA investigator?

5 A Yes.

6 Q Is that person always the same person
7 for every Internal Affairs investigation?

8 A No.

9 Q Who did you assign to conduct the IA
10 investigation related to the Victoria Foster
11 searches?

12 A Major Reinhart.

13 Q And is Major Reinhart the only person
14 that you named to conduct the IA investigation?

15 A Yeah.

16 Q So if I could turn your attention to
17 Section VIII (K).

18 MS. BARDOT: What did you say? Eight
19 what?

20 MR. SMITH: VIII (K), as in kite.

21 MS. BARDOT: What page number is
22 that?

1 file?

2 A Yeah. My notice of charges.

3 Q Did you give Major Reinhart any
4 information or any documents at the onset of this
5 IA investigation?

6 A Gave him any documents?

7 Q Correct.

8 A I don't think so, no. Oh, correct, I
9 did. I have a letter notifying that an IA was
10 investigating this, Regan Miller. Yes, I would
11 provide him a letter stating that.

12 Q And that would just be the initial
13 allegations related to the Internal Affairs
14 investigation. That's the letter that you're
15 referring to?

16 A Yes, sir.

17 Q Did you task Major Reinhart with any
18 specific instructions regarding this IA?

19 A No.

20 Q Are all IAs confidential?

21 A Yes.

22 Q Do you recall if Major Reinhart made

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1 Victoria Foster LInX searches?

2 A I can't read this, sir. I can only
3 see Regan Miller's name on here. I can't read this
4 other print. Apparently, according to Catherine,
5 this is part of a query, so I would think so.

6 Q Okay. Did you ever assign Frank
7 Winston to investigate any matters related to the
8 Victoria Foster LInX searches?

9 A I did not.

10 Q Did you instruct Frank Winston to
11 contact LInX regarding these searches?

12 A No, but Major Reinhart might have.

13 Q But you did not?

14 A I did not.

15 Q Did you instruct Major Reinhart to
16 investigate these LInX matters?

17 A To investigate these LInX matters?

18 Q Yes.

19 A -- I instructed him to investigate
20 the whole incident, yes.

21 Q So as of this -- July 23rd, 2019, you
22 had not spoken with Frank Winston about anything

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1 related to these Victoria Foster searches, correct?

2 A You're asking me prior to July 23rd,
3 2019?

4 Q As of the date of this e-mail.

5 A I don't -- I can't tell you yes or no
6 if I did or not.

7 Q So it's possible that you spoke with
8 him about the Victoria Foster searches prior to the
9 date of seeing this?

10 A I don't know. I can't remember that.

11 Q Do you recall when you first notified
12 Regan Miller that an IA was about to be conducted
13 against him?

14 A I don't know the exact date, but the
15 letter should state the date that he was notified.

16 MR. SMITH: Let's mark this as 29.

17 (Lugo Deposition Exhibit Number 29 marked
18 for identification.)

19 BY MR. SMITH:

20 Q Do you recognize this as the IA
21 notification letter that you sent to Regan Miller?

22 A Yes, sir.

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1 Q And this is dated August 12th, 2019?

2 A Yes, sir.

3 Q So the e-mail that Frank Winston sent
4 you was sent on July 23rd, 2019. Why did you wait
5 approximately three weeks after having the LInX
6 search information to notify Regan Miller of the
7 IA?

8 A I -- I believe that's when Major
9 Reinhart came to me and said that there's a
10 violation, additional violations, and it can't be
11 explained.

12 Q Do you recall at that time if Major
13 Reinhart presented you with any written materials
14 or documents related to his investigation up to
15 August 12, 2019?

16 A No, I don't recall.

17 Q Would Regan Miller's knowledge of the
18 IA, as of July 23rd, 2019, have hindered the IA
19 investigation at all?

20 A Is the -- I don't get the question.
21 What do you mean "knowledge"?

22 Q If Regan Miller had knowledge that

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1 there was an Internal Affairs investigation that
2 was lodged against him on July 23rd, the day that
3 you received information from Frank Winston about
4 these searches, in your opinion would that have
5 compromised an IA investigation against him?

6 MS. BARDOT: Object to the form.

7 THE WITNESS: I don't believe so.

8 BY MR. SMITH:

9 Q So there's some handwritten notes on
10 here, which appear to be 7 slash either 23 or 2
11 dash 3, and then below that 3/29.

12 Is that your handwriting?

13 A No.

14 Q Did you authorize anyone to change
15 the dates included in this letter?

16 A I believe the dates -- when I wrote
17 the letter, I might have messed them up. I should
18 have put the July date up top and the March date at
19 the bottom.

20 Q And you drafted this letter, correct?

21 A Yes.

22 Q Did you have any assistance from

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1 notice of possible violations of policy.

2 Q But as of this time, you didn't have
3 any evidence that showed that he had shared this
4 information with anybody, correct?

5 MS. BARDOT: Object to form.

6 THE WITNESS: At that point, no, we
7 were investigating it.

8 BY MR. SMITH:

9 Q So following that August 12th, 2019
10 notice of IA investigation that you had sent to
11 Regan Miller, you subsequently opted to relieve him
12 of his work-related duties, correct?

13 A Eventually during the investigation,
14 yes.

15 MR. SMITH: This is Exhibit 31.

16 (Lugo Deposition Exhibit Number 31 marked
17 for identification.)

18 BY MR. SMITH:

19 Q And is this an accurate copy of the
20 notice that you gave to Regan Miller, which
21 relieved him of his employment-related duties?

22 MS. BARDOT: I would just object to

1 the form of the question.

2 THE WITNESS: So you're asking me if
3 I wrote this memo?

4 BY MR. SMITH:

5 Q Correct.

6 A Yes, I did.

7 Q So the initial notice took place on
8 August 12, 2019. You forwarded him this notice on
9 August 29, 2019.

10 Why as of August 2000- -- or, I'm
11 sorry, August 29, 2019, did you feel that Regan
12 Miller needed to be immediately relieved of his
13 duties?

14 A Because of the nature of the
15 investigation.

16 Q And at that point, what had that
17 investigation revealed?

18 A That he was not being forthcoming
19 into the reason why he ran a Vicki Foster for a
20 homicide, and he broke his own protocols.

21 Q What protocols are those?

22 A According to him -- in his

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1 statements, he said that he would put assist if it
2 was an outside agency. He could not remember.

3 Blatantly he denied that he ever ran a homicide for
4 our agency, only for the actual homicides that
5 happened in our agency.

6 And if he was going to help an
7 outside agency, he would put assist, case number,
8 investigating that individual, provided three
9 different events of what occurred that led up to
10 this search for Vicki Foster, accusing other
11 officers of hacking the system. Saying that he was
12 involved in a homicide that he actually Googled.
13 So there's too many inconsistencies with his
14 statements.

15 Q And when was that interview
16 conducted?

17 A I would have to refer to Major
18 Reinhart's interview notes or supplement.

19 Q So in this letter, you reference
20 General Order 109 III. If you could turn back to
21 Exhibit 27.

22 (Discussion had off the record.)

1 (Recess from 12:32 p.m. to 12:34 p.m.)

2 BY MR. SMITH:

3 Q Okay. After that short break, I
4 would ask you, Chief Lugo, to direct your attention
5 to page 4 of General Order 109. And then if you
6 look on Page 5, there's Subpart C. And there's a
7 list of incidents where immediate relief from duty
8 may be implemented.

14 A Potentially four, criminal offenses.

Q Is there anything else?

16 A No, not off that, but they could be
17 included in some other ones.

18 Q So as of August 29th, 2019, were you
19 actively seeking criminal charges against Regan
20 Miller as well?

21 A No.:

At that point in time, had you

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1 obligations as a law enforcement officer as of
2 August 29, 2019?

3 MS. BARDOT: Object to form.

4 THE WITNESS: Yeah, pretty much.

5 Yes.

6 BY MR. SMITH:

7 Q I'm sorry, when you say "pretty
8 much" --

9 A Like he doesn't have -- you know,
10 he's still an officer, but he's been suspended with
11 pay.

12 Q So how does that work for cases that
13 he would be currently active in?

14 A He can go to court, but he wouldn't
15 investigate any more further cases. They would
16 have to be given to somebody else.

17 Q What about administrative duties
18 related to ongoing cases?

19 A Then he wouldn't have access to those
20 either.

21 Q Would those be given to somebody
22 else?

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1 A I don't think I saw a report. I
2 think this was just a conversation that I had with
3 Major Reinhart.

4 Q So following Regan Miller's
5 suspension, you continued to oversee the IA
6 investigation, correct?

7 A Yes.

8 Q Did you give Major Reinhart any
9 specific instructions related to the IA
10 investigation?

11 A Like what type of instructions are
12 you referring to?

13 Q Did you give him specific
14 instructions on how to conduct the investigation?

15 A I don't believe so.

16 Q Who were some of the other officers
17 that you would have serve as investigators for
18 Internal Affairs issues?

19 MS. BARDOT: Are you talking in 2019,
20 around this time, or currently, or when?

21 MR. SMITH: As of 2019.

22 THE WITNESS: What officers I would

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1 A S-H-U-M-A-T-E.

2 Q Was there any specific reason that
3 you choose Major Reinhart to investigate this IA?

4 A Is there a specific reason why?

5 Q Correct.

6 A Yeah, because Captain Boorman was the
7 one that brought up the original complaint.

8 Q So why would that automatically make
9 Major Reinhart your selection as the investigator?

10 A He has knowledge how to do these
11 investigations and has done them before, so it was
12 an easy pick for him to do it.

13 Q Did this specific IA require any
14 specialized knowledge to properly investigate?

15 A What type of knowledge are you
16 referring to?

17 Q Did you need somebody who had
18 knowledge of the LInX system?

19 A Not necessarily.

20 Q Why not?

21 A Because we would still have to refer
22 to LInX to get whatever information we need.

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1 Major Reinhart has an idea of how LInX works, but
2 I'm not sure how much knowledge he has working the
3 system.

4 Q So at the conclusion of the IA
5 investigation --

6 A I didn't catch the beginning of that.
7 I'm sorry.

8 Q I'm sorry.

9 So at the conclusion of the IA
10 investigation, there's a case file. Outside of
11 what you had previously said you had included in
12 that case file, is that case file comprised solely
13 of documents and information that had been
14 collected by Major Reinhart?

15 A Pretty much, yes.

16 Q When you say "pretty much," can you
17 think of anything else that would have been in
18 there that Major Reinhart would not have collected?

19 A Yes. Letters from the City Manager,
20 City Attorney, defense attorneys.

21 Q So you said you had read interview
22 transcripts between Major Reinhart and Regan

1 Miller --

2 A Yes.

3 Q -- relating to this IA, correct?

4 A Yes.

5 Q So you knew that Miller's defense was
6 that he ran the searches for someone else, correct?

7 MS. BARDOT: Object to form.

8 THE WITNESS: His defense wasn't
9 that.

10 BY MR. SMITH:

11 Q What was his defense?

12 A He never ran them.

13 Q Didn't you just testify that he had
14 said he ran them for a task force member?

15 A Five months later, yes.

16 Q When you say "five months later,"
17 when did he --

18 A According to what I read on the
19 notes, he, five months later, contacted
20 Major Reinhart and said that he did it for a task
21 force officer. He could not provide the name of
22 the officer that introduced him to the task force

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1 officer, didn't know who the task force officer
2 was, what's his name, what jurisdiction he worked
3 for. The only thing that he could say was taken
4 off a dead guy's phone.

5 He remembers vivid accounts, having
6 the task force officer standing behind him. He
7 asked him to leave his office so he could change
8 and upgrade his password, that he had a fail, to
9 the point that he says he provided whatever
10 information and then he went to a call. But could
11 not provide us any details of who it was or the
12 reason to do it.

13 And according to him, he would have
14 never ran homicide for anybody, nobody else, unless
15 it was a homicide that occurred in our
16 jurisdiction. So he doesn't know why that's
17 showing up on the LInX search.

18 Q When you said that was five months
19 later, would that have been --

20 A I believe it was like three -- maybe
21 four to five months. There was a gap there between
22 the time that he originally interviewed Regan

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1 Miller, then Regan Miller asked him to give him a
2 call and was providing additional information to
3 justify why he ran the homicide searches.

4 Q Is it fair to say that that
5 information that you just described, relating to
6 the task force member, Regan Miller said that prior
7 to the conclusion of the IA?

8 A Say that again. I'm sorry.

9 Q So that -- the statements that you
10 just referenced that were made by Regan Miller --

11 A Uh-huh.

12 Q -- those were made prior to the
13 conclusion of the IA, correct?

14 And the conclusion of the IA would
15 have been October 15th of 2019.

16 A I believe so. I'm not 100 percent on
17 the date. I'd have to look at the IA file to give
18 you exact dates.

19 Q At any point, do you recall seeing
20 any documents in the IA file which suggested that
21 there were investigations whereby other officers at
22 Manassas Park were asked about any involvement they

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1 may have had with the Victoria Foster searches?

2 A Say that again.

3 Q Do you recall anything, any
4 documents, information, within the IA case file
5 which suggests that there had been any
6 investigation into whether or not members of the
7 Manassas Park Police Department had run the
8 Victoria Foster searches?

9 A You're talking about the LInX
10 searches?

11 Q Correct.

12 A There was a request to run to see who
13 else ran Vicki Foster. And I think that what
14 showed up was that Frank Winston did a query for
15 Major Reinhart to see who else had ran Vicki Foster
16 in the agency. So that was in there.

17 Q Do you recall anything in there where
18 anyone went to other Manassas Park Police officers
19 and specifically asked, "Did you ask Regan Miller
20 to run these searches"?

21 A I can't recall if there is or not. I
22 don't remember.

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1 Q You ultimately decided to terminate
2 Regan Miller's employment, correct?

3 A Yes.

4 Q So when it gets to that point, is
5 that your decision alone to terminate him?

6 A Yes.

7 Q Why did you decide at that point that
8 termination was the appropriate form of discipline?

9 A Because Regan Miller did not provide
10 us a reason why he ran these queries and failed to
11 provide information to a sergeant in an
12 investigation where these people could have been
13 arrested for stealing firearms and a vehicle.

14 Q And the firearms again refers to that
15 property crime --

16 A Yes.

17 Q -- we discussed earlier?

18 A Uh-huh.

19 Q Did you ever personally speak with
20 Officer Bussell about that allegation?

21 A What allegation?

22 Q Related to the allegations of the

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1 property crime, the improper investigation.

2 A Well, it's not an allegation. I
3 think that's an actual crime that happened. But,
4 no, I did not interview Officer Bussell, no.

5 Q Do you recall if in the IA case there
6 was an interview that was conducted with
7 Officer Bussell?

8 A Yes, there was.

9 Q Do you recall when that took place?

10 A I don't know the date, sir.

11 MR. SMITH: Mark this as Exhibit 32.

12 (Lugo Deposition Exhibit Number 32 marked
13 for identification.)

14 BY MR. SMITH:

15 Q Do you recognize this as the notice
16 of termination that you gave to Regan Miller on
17 August 15th, 2019?

18 A This is not a notice of -- this is a
19 notice that we requested -- the outcome is going to
20 be termination, but this is just giving him notice,
21 yes.

22 Q I'm sorry. Could you explain that?

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1 So this isn't terminating him for --

2 A This is a notice of charges, and the
3 recommendation is termination.

4 Q Who are you recommending termination
5 to?

6 A Regan Miller.

7 Q I'm sorry. You're recommending to
8 Regan Miller that --

9 A I'm letting him know the notice of
10 charges, which he violated, and the recommendation
11 is termination, that he -- that I'm imposing.

12 Q That he -- I'm sorry. Say that
13 again.

14 A That I am imposing his termination.
15 And he has an opportunity in writing to provide
16 details of anything in writing to charges to appeal
17 this.

18 Q And that appeal, you're saying, it
19 gives him the opportunity to present to you, who's
20 made this fact-finding of a termination, of the
21 opportunity to provide him with -- provide you, I'm
22 sorry, with additional evidence?

1 that conclude the IA investigation?

2 A No, because we have to wait the five
3 days.

4 Q During those five days, are you
5 actively continuing to investigate?

6 A Unless he -- if Major Reinhart still
7 has to follow up on certain things, yes; if not,
8 no.

9 Q Do you recall if there were any open
10 items that required continued investigation for
11 those five days?

12 A Don't recall.

13 Q Did you feel like this was a pretty
14 open-and-shut matter?

15 A No. I'm waiting for the five days.
16 It's not an open-and-shut matter.

17 Q As of October 15th, 2019, had you
18 been approached by Major Reinhart about filing
19 criminal charges against Regan Miller?

20 A I'm not sure on the date, but there
21 was talks with the City Attorney to present this
22 case to the Commonwealth Attorney's Office, which I

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1 believe he did.

2 Q And, I'm sorry, did you say it was
3 around this date?

4 A I'm not sure on the date.

5 Q Do you have to authorize your
6 subordinates to file criminal charges?

7 A I don't believe so, no. If it's a
8 criminal matter, we present it to the Commonwealth
9 after we confer with our attorney.

10 Q So do you have to take that to your
11 attorney first before then presenting it to the
12 CA's office?

13 A I'm not sure there's anything in
14 writing, but, yes, I will take it to my attorney
15 first just to get his view on it.

16 Q And not revealing any information,
17 but do you recall having a conversation with the
18 City Attorney about filing criminal charges against
19 Regan Miller?

20 A I don't remember, sir.

21 Q Okay. So there was some type of
22 criminal investigation that took place within your

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1 matters. He --

2 Q I'm sorry. Just generally.

3 A Lieutenant Dorr was investigating the
4 criminal matters that were, I guess, founded by
5 Major Reinhart during the IA.

6 Q Understood.

7 But, again, I'm asking just generally
8 is that permitted?

9 Are you allowed to have the same
10 person who is conducting an Internal Affairs
11 investigation also conduct a criminal investigation
12 at the same time?

13 A But he didn't conduct the criminal
14 investigation. It was located by him, but he
15 provided the information to Lieutenant Dorr.

16 Q With all due respect, I'm just,
17 again, asking generally. Just generally, if you
18 have -- are you permitted as the chief to assign
19 somebody as an investigator to an Internal Affairs
20 investigation and to also have them conduct a
21 criminal investigation into that same matter?

22 A Would I have the same person, you're

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1 Q So as the police chief, you would not
2 have authorized someone to serve as an IA
3 investigator and to investigate a criminal matter
4 at the same time?

5 A No, I would not. It would not be
6 good practice, no.

7 Q Okay. Now, going back to this
8 October 15th letter, you also referenced Regan
9 Miller's past disciplinary history, dated March 6,
10 2019 and August 2nd, 2019, as support for your
11 decision to terminate, correct?

12 A Yeah. I took into account past
13 disciplinary actions, yes.

14 Q So that factored into your decision
15 to terminate him?

16 A No. I looked into this, too. I
17 listed them on there. I took those into account,
18 too. And some are the same violations.

19 Q Okay. When you say you took that
20 into account --

21 A Yes.

22 Q -- you're referencing that you took

1 that into account when you decided to terminate
2 him?

3 A Yeah. I reviewed the additional
4 violations that he keeps violating, yes.

5 Q So you're saying it's a similar
6 pattern?

7 A Yes.

8 Q Did you have any communications or
9 did you speak with either the Manassas Park mayor
10 or Laszlo Palko prior to submitting this
11 October 15th, 2019 notice?

12 And I'm referencing anything that's
13 related to the Regan Miller termination.

14 A Did I talk to the mayor or Mr. Palko?

15 Q Correct.

16 A No.

17 Q Prior to October 15th, 2019, did you
18 ever notify Laszlo Palko of Miller's LInX searches?

19 A No.

20 Q Do you have any reason to believe
21 that he would have known about them prior to
22 October 15th, 2019?

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1 past though, correct?

2 A Run-ins?

3 Q Yes.

4 A No.

5 Q You didn't have any issues related to
6 inauguration badges in 2016?

7 A No, I did not, sir.

8 Q As chief, you only want officers
9 working for you who are loyal to you, correct?

10 A Loyal to me?

11 Q Correct.

12 A No. Loyal to the community.

13 Q Do you have a problem if any of your
14 officers question any of the actions that you take
15 as chief?

16 A No.

17 Q What was your personal involvement in
18 Manassas Park's filing of criminal charges against
19 Regan Miller?

20 A What was my role in it?

21 Q What -- what did you -- what personal
22 actions did you take?

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1 A Personally? None.

2 Q None.

3 At any time, did you encourage
4 Major Reinhart, or any of the other officers, to
5 seek the criminal charges with the Prince William
6 County CA's office?

7 A No.

8 Q Are you aware that the Prince William
9 County Commonwealth Attorney's Office declined
10 Manassas Park's request to prosecute Regan Miller?

11 A Yeah. The initial, yes.

12 Q Do you know when that took place?

13 A I do not.

14 Q What information did you have about
15 that?

16 A That they declined it.

17 Q Did they only decline it one time?

18 A That I'm aware of, yes.

19 Q Did you instruct any of your officers
20 to continue to try to seek criminal charges against
21 Regan Miller?

22 A No, sir.

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1 Q So if they were declined, what
2 information are you aware of that would have then
3 changed the CA office's mind about bringing
4 criminal charges against Regan Miller?

5 MS. BARDOT: It calls for speculation
6 as to what changed their mind.

7 But you can answer subject to that.

8 THE WITNESS: Based on the
9 investigation, the additional violations of
10 homicide searches.

11 BY MR. SMITH:

12 Q And which ones are you referring to?

13 A The one that happened in Panama City,
14 Panama, and the one that happened in Prince William
15 County, Bristol, Virginia.

16 Q And is that Dwayne Skiles?

17 A Yeah, Dwayne Skiles, and Mr. Rams
18 that killed his 15-month-old son, yes.

19 Q And Dwayne Skiles was a resident of
20 Manassas Park, correct?

21 A I'm not aware if he was a resident.
22 I think we had -- he might have been stopped and

1 given a ticket in Manassas Park once before.

2 Q Did you ever personally speak with
3 Carl Dorr about filing the criminal charges against
4 Regan Miller?

5 A No, sir.

6 Q When were you first made aware that
7 Carl Dorr was filing those criminal charges?

8 A I'm not sure if Mr. Crowhurst or
9 Major Reinhart told me.

10 Q Do you recall if that was close in
11 proximity to the time that Carl Dorr actually filed
12 those charges?

13 A I don't know the date that he
14 actually filed the charges.

15 Q Did you review anything, any of the
16 investigation documents that Carl Dorr prepared,
17 prior to filing the criminal charge?

18 A No, sir.

19 Q Were you aware that Major Reinhart
20 provided the documentation to Carl Dorr for him to
21 file the criminal charges?

22 A I'm not sure what he provided him.

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1 MR. SMITH: Let's mark this as
2 Exhibit 33.

3 (Lugo Deposition Exhibit Number 33 marked
4 for identification.)

5 BY MR. SMITH:

6 Q Do you recall receiving this e-mail
7 from Carl Dorr on June 24th, 2020?

8 A No, sir.

9 Q If you would just take a minute to
10 look it over.

11 A It looks like it was forwarded to me,
12 but I don't remember reading it, sir.

13 Q So this is an e-mail that is -- was
14 initially from Scott Hook -- and Scott Hook was the
15 special prosecutor that was assigned to the Regan
16 Miller case, correct?

17 A Yes.

18 Q -- to Carl Dorr. And within this
19 e-mail Mr. Hook mentions exculpatory evidence.

20 So as of June 24th, 2020, is it fair
21 to say that you were aware of the possibility that
22 exculpatory evidence existed?

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1 A Yes.

2 Q At that time, did you order
3 Major Reinhart, or anyone else, to investigate the
4 possibility of exculpatory evidence?

5 A I had him follow-up.

6 Q When you say you had him follow-up,
7 are you --

8 A Major Reinhart, we spoke about it,
9 and he was already working on talking to the
10 special prosecutor and talking to Prince William
11 County to get that information, yes.

12 Q Why didn't you have Carl Dorr do
13 that?

14 A Because it's related to the Internal
15 Affairs investigation and Major Reinhart already
16 talked to the Prince William County Professional
17 Standards Division before, so it was easier to
18 allow him to look into it.

19 Q Do you recall any thoughts that you
20 had when you read through this e-mail or otherwise
21 learned that there was possibly exculpatory
22 evidence out there?

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1 A Yeah. I wanted to get down to the
2 truth of what happened, so yes.

3 Q Did you feel bad at all that criminal
4 charges could have been brought against Regan
5 Miller when exculpatory evidence existed?

6 MS. BARDOT: Object to form.

7 You can answer.

8 THE WITNESS: I'm not sure why I
9 would feel bad when this was not brought to my
10 attention by Regan Miller, but obviously I don't
11 want somebody arrested that didn't commit a crime.

12 MR. SMITH: This is Exhibit 34.

13 (Lugo Deposition Exhibit Number 34 marked
14 for identification.)

15 BY MR. SMITH:

16 Q And can you explain to me, are you
17 familiar with a CAD report?

18 A Yes.

19 Q And that's C-A-D.

20 What is a CAD report?

21 A It's -- I forgot what it means. I
22 can't tell you what it means. It's just a

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1 MS. BARDOT: Object to form.

2 THE WITNESS: What do you mean by
3 expectations?

4 BY MR. SMITH:

5 Q Did you think he was going to come
6 back and continue to be employed as a lieutenant
7 with Manassas Park Police Department?

8 MS. BARDOT: Object to form.

9 THE WITNESS: At the time, yes.

10 BY MR. SMITH:

11 Q And when you say "at the time," do
12 you mean as of July 15, 2020?

13 A Yeah.

14 Q So as of this date, was there
15 anything outstanding with any further discipline of
16 Regan Miller?

17 A We still had the other issue with the
18 property crime. And I believe the additional LInX
19 searches for homicide.

20 Q You're talking about the ones that
21 dated --

22 A The Skiles and Rams homicide queries.

1 Q Do you recall if those searches were
2 included in the notice from the IA -- the original
3 IA investigation from August 12th, 2019?

4 A Were they included?

5 Q Were they also referenced?

6 A They weren't part of the original IA.
7 Those were discovered after additional searches
8 were requested.

9 Q So when that happens, do you have to
10 go back and amend -- you have to give notice of all
11 charges, correct?

12 A Yes. It was the same charge, so we
13 didn't provide additional notice. It's the same
14 violation.

15 Q So no additional notice would have
16 been necessary for you to discipline him for the
17 2012 searches?

18 A So no additional what?

19 Q No additional notice would have been
20 necessary?

21 A No. We were still looking into them.

22 Q Have you since learned that Regan

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1 Miller did, in fact, conduct those 2012 searches in
2 relation to work that he did for the FBI task
3 force?

4 A I have not received any information
5 that that's the case.

6 Q Did you ever check with anybody at
7 the FBI about that?

8 A No, but I checked with the -- or I
9 didn't check, but they looked at Prince William
10 County who worked the homicide for the Rams's case,
11 if an outside agency, Manassas Park, TFOs, or
12 anybody, was involved in that investigation, and
13 they said no.

14 The one in Panama City, Panama, we
15 did not follow up on that one. That's my
16 understanding.

17 Q And who specifically was the one that
18 was following up on that?

19 A Major Reinhart.

20 Q This gentleman, his last name is
21 Rams, are you familiar with his case?

22 A No, sir.

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1 Q So you weren't familiar that he was
2 implicated as a serial killer?

3 MS. BARDOT: Objection to form. And
4 also interjects information -- facts into evidence
5 which are not established.

6 But you can answer.

7 THE WITNESS: I don't know anything
8 about the case, sir.

9 BY MR. SMITH:

10 Q So you had authored the -- we'll call
11 it the termination notice. I think you had called
12 it the notification of charges, that October 15th
13 letter.

14 Why was it that the City Manager was
15 the author of the reinstatement letter?

16 A Because he was the -- he appealed it.
17 He was in the appeal process still. He was not
18 terminated.

19 Q So you're familiar at this time, as
20 of July 15, 2020, that the grievance was still
21 outstanding?

22 A Yes.

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1 Q Did you participate in drafting any
2 part of this letter, which is attached, the
3 administrative investigation and termination letter
4 from the City?

5 A No, sir.

6 Q Did you speak with Laszlo Palko about
7 the substance of this letter prior to forwarding it
8 to or e-mailing it to Regan Miller?

9 A No, sir.

10 Q So in this letter, the City says it's
11 reinstating Miller, but it says that it will be
12 sending back for disciplinary action anything
13 related to Allegation 1.

14 Is it your understanding that
15 Allegation 1 is only related to the property crime
16 case?

17 A Yes.

18 Q This letter also says that although
19 Regan Miller is being reinstated, he was not going
20 to be returning to his post as a lieutenant, rather
21 he was going to be -- I think they call it a
22 security -- a security command for City Hall -- I'm

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1 sorry, security detail for City Hall.

2 MS. BARDOT: I object. I mean, you
3 have totally mischaracterized what this says. I
4 mean, if you want to read it, that's fine, but it
5 does not say that he's not being returned to his
6 post as a lieutenant or anything along those lines.

7 BY MR. SMITH:

8 Q Well, they say operationally he'll
9 still be under the command -- I'm sorry. That
10 he'll administratively be part of the police
11 department. Operationally, he's under the command
12 of the Office of City Manager and assigned to City
13 Hall for security detail.

14 So does that mean that at that
15 point -- what is operationally under the command of
16 the Office of City Manager? What does that mean?

17 A That he's going to be assigned to
18 City Hall under the City Manager.

19 Q So at that point, what oversight does
20 the Manassas Park Police Department have over Regan
21 Miller?

22 A The same.

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1 Q Whose idea was it to have him
2 assigned to security detail at City Hall?

3 A If this was written by the City
4 Manager, I believe that would be him.

5 Q You didn't have any input into that?

6 A No. He requested that he go over
7 there for the security detail we were paying
8 overtime for.

9 Q I'm sorry, who requested that?

10 A The City Manager, because we were
11 paying officers to work the City Hall detail.

12 Q So you were paying officers to go
13 into work at City Hall and they were getting time
14 and a half?

15 A The ones that were working on -- on
16 their off days, yes.

17 Q Was Regan Miller going to get time
18 and a half?

19 A No, because that was going to be his
20 schedule Monday through Friday, is my
21 understanding.

22 Q What are the duties of a security

1 officer assigned to City Hall?

2 A At the time, they were just being
3 there as a presence. That's it.

4 Q Just a presence?

5 A Yeah.

6 Q How does that compare to the duties
7 that are performed by a lieutenant at Manassas
8 Park?

9 A It's part of it. It could be the
10 same. He still has legal authority. He can make
11 arrests, anything he observes. He can take calls
12 while he's there.

13 Q When you say "he can take calls,"
14 you're saying that he could be responding to calls
15 for service?

16 A No, calls at City Hall. If something
17 was to happen there, he's there, he could take care
18 of it.

19 Q But only within the purview of City
20 Hall, correct?

21 A Not necessarily. I think if we
22 needed him, we could have pulled him.

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1 Q Okay. And by that time that this all
2 came to light, Regan Miller had already resigned,
3 correct?

4 A I don't know the dates exactly.

5 Q Okay. Well, we'll leave it at that.
6 You would rely on what the documents
7 show as far as dates?

8 A Yes.

9 Q Look at Exhibit 31 for me. And also
10 pull out, if you would, Exhibit Number 27. And
11 turn to page 11 -- I'm sorry, page 5.

12 On Exhibit 31, on August 29, 2019,
13 you relieved Regan Miller from duty immediately
14 with pay, correct?

15 A Yes.

16 Q And you had the authority to do that
17 under General Order 109, correct?

18 A Yes.

19 Q And you were asked under which
20 categories under 3(C) you relied upon.

21 Do you remember that testimony?

22 A Yes.

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1 Q You would agree that those categories
2 are not the exclusive categories for which you can
3 issue an immediate suspension, correct?

4 A Yes, sir.

5 Q Because, in fact, the general order
6 says it's these categories, but you're not limited
7 to those, correct?

8 A Yes.

9 Q And what was your concern about
10 keeping Regan Miller on during the investigation
11 that led you to go ahead and suspend him
12 immediately with pay?

13 A Truthfulness.

14 Q Okay. And that's a big deal for law
15 enforcement, is it not?

16 A Yes.

17 Q I mean, if you don't have a truthful
18 law enforcement officer, you've got a disaster.

19 Would you agree?

20 A Yes.

21 Q Okay.

22 All right. Now, when -- when you all

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1 you would look at that. This is a document that
2 Frank Winston found and sent to you on March 26,
3 2021, correct?

4 A Yes.

5 Q And is it your understanding that --
6 well, looking at this document, would you agree it
7 doesn't say Vicki Foster?

8 A It does not.

9 Q It doesn't have her phone number?

10 A If does not.

11 Q It doesn't say homicide?

12 A No, it does not.

13 Q And from the face of this document,
14 one cannot even tell if this is related to the
15 Vicki Foster matter, correct?

16 A Correct.

17 Q All right. And is it your
18 understanding that around this date, March of 2021,
19 instruction was given to Winston and other officers
20 to go ahead and check their e-mails for the date of
21 March 29, 2019?

22 A Yes.

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1 Q And that's what Winston testified, is
2 that that -- at that time, he was asked to also
3 search this date, correct?

4 A Yes.

5 Q And then he pulled this as a result,
6 correct?

7 A Yes.

8 Q And when he pulled it, he immediately
9 forwarded it to you. Do you recall him saying
10 that?

11 A Yes.

12 Q Okay. And that is the first that you
13 were aware of that document, correct?

14 A Yes, ma'am.

15 Q And it's your understanding that's
16 the first that Winston was aware of that document
17 or had a recollection of it?

18 MR. SMITH: Objection to form.

19 BY MS. BARDOT:

20 Q Is that correct?

21 A Yes.

22 Q Okay. Look at Exhibit 37, and the